

S1023/0109  
Wayne



## United States Department of the Interior

### BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:  
3809 (UTW020)  
UTU-90229

RECEIVED

MAY 14 2014

May 12, 2014

DIV. OF OIL, GAS & MINING

CERTIFIED MAIL# 7012 3460 0000 6633 1493  
RETURN RECEIPT REQUESTED

DALE ROGERS  
P.O. BOX 697  
DELTA, UTAH 84626

Mr. Rogers:

On January 13, 2014, the Fillmore Field Office, Bureau of Land Management (BLM) required a bond for a notice, which is serialized as UTU-90229 and that had been filed under the Federal regulations at 43 CFR 3809, Surface Management. The mineral of interest is limestone (marble), and the notice was accepted for the removal of stone blocks for additional testing of the material. The mining claim listed in the notice is UMC 408912, which was located after July 23, 1955. Prior to the filing of the notice, a number of shallow test holes and other sampling had been previously completed for evaluating the chemical grade of the limestone.

Limestone is a mineral material that may be a locatable under the Mining Law of 1872 as amended or that may be salable under the Materials Act of 1947 (U.S.C. 601). Operations for locatable, uncommon variety minerals are authorized under 43 CFR 3809, and operations for salable, common variety minerals are addressed under 43 CFR 3600.

The Common Varieties Act of July 23, 1955 (U.S.C. 611) is the statutory basis for differentiating between locatable and salable minerals. The federal regulations at 3830.11 and 12, respectively, define which minerals are locatable and the characteristics of locatable minerals. Limestone may qualify as a locatable mineral based on chemical or metallurgical grade or suitability for the manufacture of cement as addressed at 3830.12(d). Otherwise the criteria in *McClarty v. Secretary of the Interior*, 408 F.2d 907 (9th Cir. 1969), as addressed at 3830.12(b)(1)-(5), are applicable to determining whether limestone is a locatable or salable mineral.



### **Procedures Involving a Possible Common Variety Mineral**

BLM must follow special provisions when processing notices or plans of operations that include minerals that may be a common variety. The federal regulations at 3809.101(a) address that you must not initiate operations under the mining laws for a mineral that may be a common variety until BLM prepares a mineral examination report. The mineral examination and the preparation of the associated report are subject to a cost recovery fee as required at 3800.5 and 3000.11.

The regulations at 3809.101(b) allow for an interim authorization, while a mineral examination report is prepared by BLM. The interim authorization may be for (1) corroborative or confirmative sampling of existing physical exposures, (2) minimal necessary annual assessment work, or (3) removal of possible common variety minerals, if an acceptable escrow account is established between BLM and you. Approval for interim removal operations (mining) would also require an appraisal for determining the fair market value of the possible common variety mineral, and the appraisal would also be subject to a cost recovery fee that would be in addition to the processing fee for the mineral examination report.

The mineral examination report would be the basis for determining whether the mineral is a common or uncommon variety. If the conclusion in that report is the mineral is a common variety, you may relinquish the mining claim(s) or BLM will initiate contest proceedings against the disputed mining claim(s). Upon relinquishment or a final departmental determination that the mining claim is null and void, you would be required to promptly close and reclaim any operations under an interim authorization, unless you are authorized to proceed under 43 CFR 3600, including 3610. Monies in an escrow account would be disbursed to the U.S. If the conclusion in the mineral examination or if the final department determination is the mineral is an uncommon variety, you would be allowed to conduct operations under the mining laws and monies in an escrow account would be disbursed to the payer.

At this time, BLM has not determined that a mineral examination report is necessary. BLM is allowing the sampling as proposed in the notice as an interim authorization under the federal regulations at 3809.101(b)(1) in order that you may obtain more information that will be beneficial to determining whether the limestone is a locatable mineral or a salable mineral. You are asked to cooperate with BLM in providing data and test results that may eliminate the need for a mineral examination and report.

### **Interim Authorization for Sampling and Request for Test Data**

On April 23, 2014, Michael Jackson, BLM Certified Review Mineral Examiner 038, met with you at the mining claim to witness your cutting blocks of the stone for additional testing. As you were not ready to cut blocks, samples of the limestone were taken by drilling holes with a hand-held, power drill in the test area.

As required by the federal regulations, sampling must be for confirmative or corroborative purposes. You have stated that the limestone has special characteristics, based on its chemical grade and physical properties of whiteness and brightness. Your stated intent in collecting



sample blocks from the mining claim is to test the market for the stone's whiteness and brightness.

In order to facilitate determining whether a mineral examination is required, you are requested to provide to this office:

1. Copies of results of chemical and physical tests that will be completed on the samples from this deposit.
2. Description of milling (processing) steps for the block samples to be collected.
3. The specifications required for the proposed use(s) and market(s) of this limestone.
4. Market prices for uses for which this deposit is suitable.

For Items 2 and 3, you are requested to provide specification data and market information for this deposit, not such materials and markets in general. Preferably, price information would be presented as f.o.b. quarry. Mining and processing costs related to operations may also need to be provided. You are requested to submit your information to:

Michael Jackson, Geologist  
Bureau of Land Management  
150 East 900 North  
Richfield, Utah 84701  
FAX: (435) 896-1550  
Email: [mjackson@blm.gov](mailto:mjackson@blm.gov)

When you are prepared to cut the sample blocks, please notify Michael Jackson a week in advance.

If you submit information that you believe is exempt from public disclosure, please review 43 CFR 3809.111, and mark any such information as confidential as indicated in the regulation.

### **Claim Monuments**

Based on the field review of the involved mining claim on April 23, 2014, two claim monuments were identified on the ground by you and were surveyed with a GPS data logger. The enclosed aerial photo map displays the two monuments as surveyed and the claim lines as shown on the map filed with the Notice of Location, recorded with BLM on October 15, 2009. Other monuments marking the boundaries of the mining claim were not noted by you nor observed as being marked on the ground.

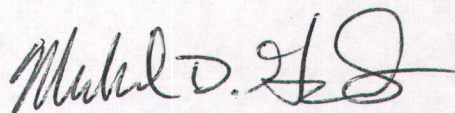
Federal regulations at 43 CFR 3832.11(c)(2) requires you to "(s)take and monument the corners of the mining claim \* \* \* which meets applicable state monumenting requirements \* \* \*." Utah Code, Title 40, Mines and Mining, § 40-1-3, states "(m)ining claims \* \* \* must be distinctly marked on the ground so that the boundaries thereof can be readily traced."



The interim authorization for sampling is to confirm or corroborate mineral exposures that are physically disclosed and existing on the mining claim. Given that intent of the sampling, the corners of the mining claim should be marked on the ground, so that the sample points can be clearly confirmed as being within the boundaries of the mining claim.

If you have questions about the procedures involved with determining whether the mineral in question is a common or uncommon variety, please contact Michael Jackson at (435) 896-1522. If you have questions about the surface management of your notice, please contact Duane Bays, Natural Resource Specialist, in the Fillmore Field Office at (435) 743-3115.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael D. Gates", with a stylized flourish at the end.

Michael D. Gates  
Field Manager

Enclosure:

Claim Map, Pleasant Valley Prospect, UTU-90229 (1 p.)

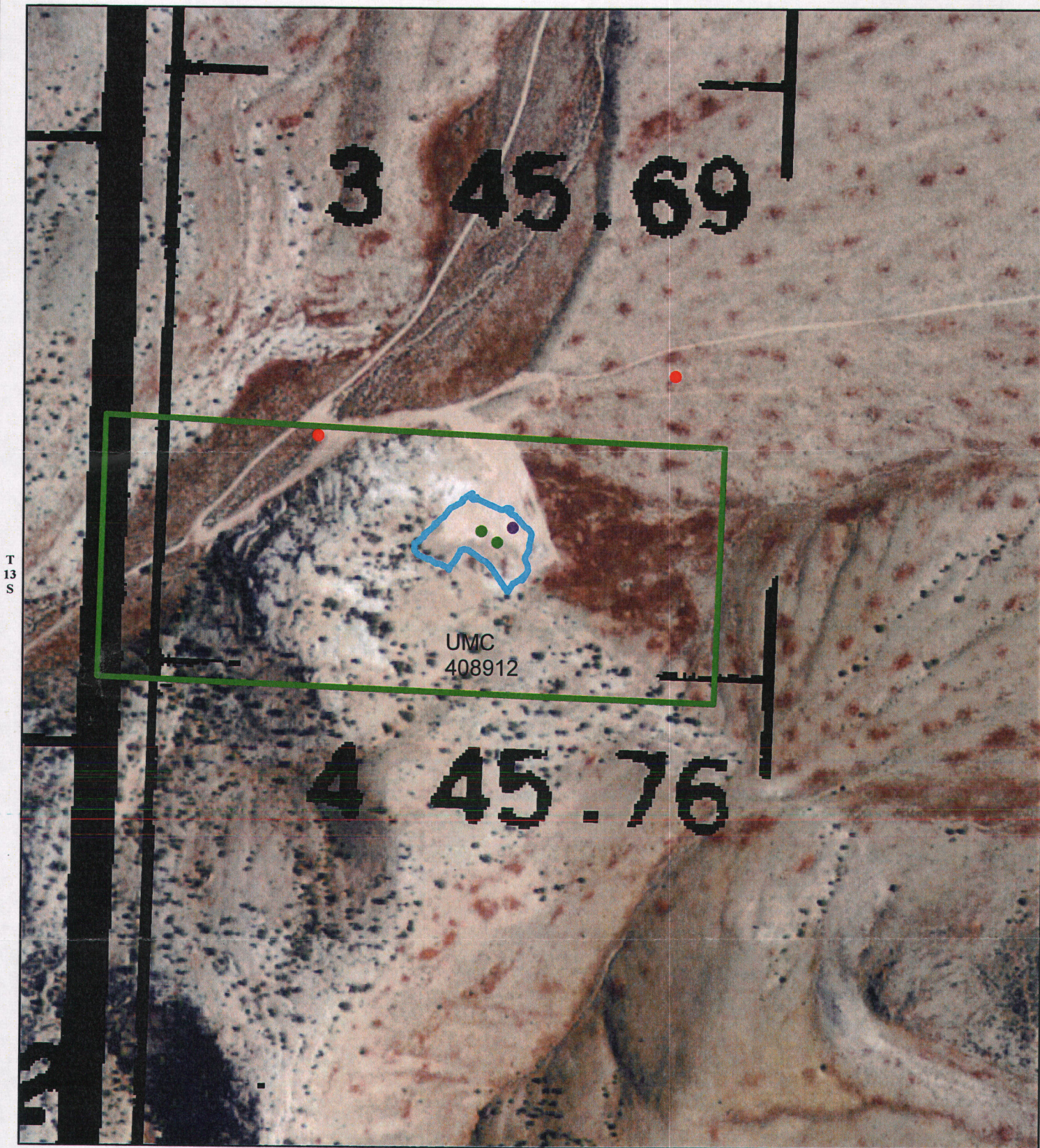
cc:

Michael Jackson, UTC020  
Bureau of Land Management  
150 East 900 North  
Richfield, Utah 84701

Wayne Western  
UDOGM  
1594 W North Temple Ste 1210  
Salt Lake City, UT 84114

Utah State Office/ BLM  
440 West 200 South, Suite 500  
Salt Lake City, UT 84101-1345





LEGEND

- Claim Monument 4/23/2014
- Test Drill Hole 4/23/2014
- Datum Reference
- Claim Lines 2009 NOL Map
- Test Area
- Master Title Plat Lines

Map created 4/24/2014,  
M. Jackson, Utah State Office,  
BLM

